



CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

1. **CALL TO ORDER** – Welcome/Pledge of Allegiance

Mayor Chadwick called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

2. **INVOCATION** – Associate Pastor Nathan Held, Calvary Star Church

Associate Pastor Nathan Held led the invocation.

3. **ROLL CALL**

ELECTED OFFICIALS: Council President David Hershey (REMOTE); Council Members Kevan Wheelock, and Kevin Nielsen; Mayor Trevor Chadwick were all present. Council Member Jennifer Salmonsens was absent and excused.

STAFF: City Clerk – Treasurer Jacob Qualls, Planning & Zoning Administrator Shawn Nickel, Assistant Planning & Zoning Administrator Ryan Field, Planning & Zoning Administrative Assistant Barbara Norgrove, City Engineer Ryan Morgan, City Attorney Chris Yorgason (REMOTE), Public Information Officer Dana Partridge and Fire Chief Victor Islas were present.

4. **PRESENTATIONS**

No Presentations

5. **CONSENT AGENDA (ACTION ITEM)**

A. **Approval of Claims**

B. **Approval of Minutes:** July 18, 2023, October 3, 2023 City Council Meeting Minutes & November 14, 2023 City Council Meeting Workshop Minutes

C. **Findings of Fact - Iron Mountain De-Annexation (File: DE-AX-23-01)**

D. **Final Plats - Moon Valley Phase 8 (FP-23-18), Naismith Commons Phase 1 (FP-23-19) & Trident Ridge Phase 7 (FP-23-16)**

Moon Valley Phase 8 pulled for additional research.

- Council Member Neilsen moved to approve the Consent Agenda; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Neilsen -aye. Motion carried.

6. **PUBLIC HEARINGS with ACTION ITEMS:**

A. **PUBLIC HEARING: Falcon Storage (File: CUP-23-01)** - The Applicant is seeking approval of a Conditional Use Permit for a commercial storage facility to include 139 storage condominium units and 15, for sale commercial flex space units of approximately 2,500 square feet each. The property is located at 8323 W. Moon Valley Road in Star, Idaho. **PREVIOUSLY TABLED AT APRIL 18, 2023 & OCTOBER 17, 2023 CITY COUNCIL MEETINGS. (ACTION ITEM)**

Mayor Chadwick opened the public hearing at 7:04 pm and asked if there was any ex parte contact to report; none reported.

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

Planning & Zoning Administrator Nickel made a presentation on the staff report of the Falcon Storage CUP; CUP23-01 for a commercial storage facility.

Chris Todd, 12537 W Gold Crest Street, Star – Todd stated he was presenting on behalf of the owner. Applicant stated they are requesting individually owned storage condominiums. Todd explained who the team members were with the project and explained the benefits of the private ownership of the project. He stated the applicant is catering to owners of RV's, Motorcoaches, Classic Cars, and Hobbyists who desire luxurious storage solutions for discrete buyers who need climate-controlled units and possibly customization.

Todd explained the location is near the corner of Moon Valley Road and Highway 16 and it was annexed in with mixed-use in mind and is approximately 7.2 acres. He said they are requesting a Conditional Use Permit for the mixed-use commercial aspect of the project.

The site design and layout was reviewed with Star City Staff, Star Fire Department, the Star Sewer and Water District and held a neighborhood meeting in 2023. During the meetings some requested areas of buffer to the commercial area, more private fencing, improvements to the irrigation and drainage in the commercial area. He stated the commercial area will have units in size from 800 to 1500 square feet and flex spaces are 2500 square feet which is what is allowed in that zoning district. He stated some of the mixed-use spaces could be 2500 to 5000 square foot spaces and be available to businesses who would like to locate in the area; those spaces would be set up to be conditional where they would have to come before the city for a Conditional Use Permit for their specific use or attain a Zoning Certificate from City Staff. Some of those uses would be service providers such as plumbers, electricians and others who may need an office space and rollup door to park a service vehicle.

Todd reported the site design is taking into account the comments for the neighbors and agencies and the applicant is in agreement with the staff report. The applicant stated a comment from the agencies was to have a ten-foot sidewalk on one of the boundaries of the project and in return the applicant is requesting a reduction in the setback to 10 feet on that same boundary to accommodate the sidewalk and to make sure there is enough room for the clearance and radius of vehicles.

Todd continued and stated the applicant is asking for 24-hour access for the storage facility; stating the current code does not allow for full 24-hour access. He stated there would be a screened fence fully around the storage facility and screening the space between the buildings and the subdivision to the south along with landscaped open space to the rear of the project.

The applicants had spoken to other owners of similar projects in the valley and reported owners very rarely need to be there for 24 hours but is to ask for potential customers or clients that own the service industry bays as sometimes they come in late at night and need to pull out for service or a weekend. The buffering

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

allows for this modification and believes this is amicable and reasonable. Todd explained this is a great space for small businesses to set up a small shop.

Todd further explained the owner's association would deal with obnoxious behaviors and add some restrictions on what can be done during off hours for the hobbyists. The hobbyists and those that need to store 'toys' are new residents to Star and many of the HOA's they are purchasing in do not allow RV or 'toy' storage within their subdivisions.

They have also found similar products / projects in the valley generated less traffic and a professional management company has helped police unintended and unpermitted uses.

Todd explained the benefits of the project is it brings in a variety of users and the product can be customized to fit the end user's preferences. He stated the project has large drive aisles, is secure and gated; has a clubhouse with bathrooms and a shower facility and shared restrooms on site for the end users.

Council Member Wheelock asked if there would be restrooms and or kitchenettes in each unit; Todd explained the general concept is to have a restroom in the clubhouse and restrooms throughout the banks of the storage buildings just for ease of access for customers and clients. Todd also explained the units would not be allowed to be lived in with prohibitions of overnight stays in any units.

Wheelock asked how the project will be managed without an onsite manager if there is 24-hour access and an owner is a night owl and enthusiastic hobbyists creating noise disturbing the neighbors. Todd explained the city has noise codes and will have a site manager and access key cards in which they can monitor the times people are coming and going through the project.

Council Member Nielsen stated the application was requesting a 10-foot setback, Todd explained the Star Transportation Committee had requested a 10-foot sidewalk for a future connection to the pathways in the area and the mixed zone requires a 20 foot setback, so they are asking for a modification to the requirement and be measured off the edge of the buildings rather than the sidewalk.

Nielsen then asked about the hours of operation and what happens when or if the project changes ownership and there are problems with noise, fencing materials or other complaints from neighbors; City Attorney Chris Yorgason explained the process where a Conditional Use Permit can be reviewed if certain triggers were met. Those triggers should be identified.

Todd and the applicant discussed bylaws, however, Nielsen explained bylaws are not enforceable by the City of Star Police Department and difficult to enforce city ordinances on private property. Nielsen further stated he did not anticipate a problem, but the city needs to consider problems well into the future.

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

Todd and the applicant further discussed if complaints were received by both the city and the development, the right could be revoked to a mixed-use hours of operation and could be reset at a later date after a hearing process. Yorgason explained the complaints would need to be objective and over a specific period of time, the city could then look at the hours of operation. Neilsen suggested the request for a hours of operation review be triggered by the Star Police Chief, as the Chief would have knowledge of severity and number of complaints to the project.

Questions about the fencing type, style, and height were discussed. The applicant explained the fencing would be of a sound dampening type near the adjoining residential subdivision and open and secure on the other sides or possibly block and wrought iron in areas that did not need the sound dampening.

Chadwick asked how stormwater would be retained onsite; the applicant explained after they are given the ability to move forward, construction drawings would be drawn and there are laws and regulations requiring storm water not be shed onto neighboring properties. They will be looking at the current agreements with the property and neighboring property on the amount of water they can retain onsite, and if necessary, create storm retention ponds. He explained there had already been agreements with the neighboring properties to receive storm water and retain it within the neighboring retention ponds, however, it will be reviewed with their engineers to make sure the amounts can be retained in this manner. The calculations of blacktop and rooftops will be taken into consideration along with the amount and type of landscaping this project will utilize.

Council Member Neilsen asked if the city could hear information from Star Police, Mayor Chadwick acknowledged Sergeant Steel with the Star Police Department. Steel explained the call process for police officers and stated the officer needs to find some sort of truth in a complaint before a report is taken or citation issued. Evidence of a crime needs to be part of that process. Steel stated an officer would need a complaining witness willing to sign a complaint or citation. He explained Police Officer's peace can not be disturbed as recent court rulings have indicated.

Mayor Chadwick asked if anyone else had signed up or wished to speak, no one indicated so he closed the Public Hearing at 7:52pm

Council Deliberations

Council Member Neilsen stated he found the application in good order, supportive of the project and it met the Star City Codes and Comprehensive Plan. He recommends complaints be objective and reviewed by the council if recommended by the Star Police Chief. Neilsen also suggested the area be landscaped accordingly as people travel down highway 16 will see this as a corridor for the community and encouraged planting of trees every thirty feet to make it look nice.

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

- Council Member Nielsen moved to approve the applications with granting a waiver or 20' setbacks on the east side of the property, providing for landscaping along with a minimum of three trees over a thirty foot length including bushes and rocks, granting a waiver for hours of operation, providing for a City Council Due Process Review as triggered by the Star Police Department and a signed noise complaint, providing for sound deadening fencing along the south and east side of the development; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Nielsen – aye. Motion carried.
- B. **PUBLIC HEARING: Talega Village Subdivision (Files: AZ-22-11, RZ-22-03, CU-22-05, DA-22-12, PP-22-15 & PR-22-08)** - The Applicant is requesting approval of an Annexation and Zoning (Residential R-10-DA), a Rezone (from R-1 & C-2 to Residential R-10-DA) a Development Agreement, a Conditional Use Permit for a proposed multifamily residential use (340 units), a Preliminary Plat for proposed residential and commercial uses consisting of 162 buildable lots (1 commercial lot, 1 multi-family lot, 65 single-family residential lots, 95 townhome lots and multiple common lots), and private streets. A residential density of 10 du/acres is proposed. The property is located at 58 N. Truman Place and 8370 W. Shultz Court in Star, Idaho. **TABLE TO DATE SPECIFIC (ACTION ITEM)**
- Council Member Wheelock moved to table the Talega Village Subdivision Public Hearing until December 5; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Nielsen – aye. Motion carried.
7. **ACTION ITEMS:**(The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)
- A. **Impact Fee Services Presentation & Agreement** - Clearwater Financial Services Agreement (**ACTION ITEM**)
- Jaycee Clearly with Clearwater Financial Services Agreement Presentation explained the purpose of the Impact Fee Services Agreement and their firm can help the City of Star navigate the Impact Fee Process. Clearly explained their firm is ready to serve the City of Star.
- Council Member Nielsen moved to approve the Clearwater Financial Services Agreement; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Nielsen -aye. Motion carried.
- B. **Pavilion Pickleball Courts - Sourcewell Contract / Garrett Parks & Play:** Approve / Authorize Sourcewell Contract #010521-LTS-3 to build a Pickleball Court at Pavilion Park (**ACTION ITEM**)
- Council Member Wheelock moved to approve the Pavilion Pickleball Courts Contract with Garrett Parks & Play Sourcewell Contract #010521-LTS-3; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Nielsen -aye. Motion carried.

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

C. Pig Dreams LLC / Dickey's BBQ Alcoholic Beverage License - Conditionally Approve Beer, Wine & Alcoholic Beverage NEW License **(ACTION ITEM)**

- Council President Hershey moved to approve the Pig Dreams LLC Alcoholic Beverage License; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.

D. Request For Qualifications / Professional Services Roster - Approving Request for Qualifications of certain Trades (Engineers, Landscapers, Architects & Surveyors) to create a Roster **(ACTION ITEM)**

Ryan Morgan explained in the past the city has requested Requests for Proposals for each trade and project separately. This roster allows for fewer steps, reducing time and expenses and will be easier for the city to complete projects.

- Council Member Neilsen moved to approve the Request for Proposals for a Professional Services Roster; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.

E. Ordinance 392-2023 - Iron Mountain De-Annexation - AN ORDINANCE DE-ANNEXING FROM THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN INCORPORATED CITY LIMITS; MORE SPECIFICALLY LOCATED ON W. BROKEN ARROW ROAD (FORMERLY W. FLOATING FEATHER ROAD), IN STAR, IDAHO (ADA COUNTY PARCELS R9545740040 & R9545740050); THE PROPERTY IS OWNED BY TODD CAMPBELL CONSTRUCTION LLC; RE-ESTABLISHING THE ZONING CLASSIFICATION OF THE DE-ANNEXED PROPERTY AS RURAL URBAN TRANSITION (RUT) OF APPROXIMATELY .08 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. **(ACTION ITEM)**

- Council Member Neilsen moved to introduce and suspend the rules requiring three readings and read by title only once; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.
- Council Member Neilsen moved to approve and read the ordinance title; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.

F. Ordinance TBD-2023: Animal Control License Amendment Ordinance - An ordinance amending title 4, chapter 4, defining purpose, modifying 4-4-6 C.1, removing Sections 4-4-6 C.2 and C.6; modifying 4-4-15; CREATING for severability and providing for an effective date. **(ACTION ITEM)**

- Council Member Wheelock moved to introduce and suspend the rules requiring three readings and read by title only once; Council Member Neilsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.

**CITY COUNCIL REGULAR MEETING NOTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 21, 2023 at 7:00 PM

- Council Member Neilsen read the ordinance and moved to approve the ordinance; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen - aye. Motion carried.

G. **Ordinance TBD-2023: Records Management Policies and Procedures Ordinance** - An ordinance creating title 1, chapter 14, defining purpose; creating definitions of city records; declaring city records as public property; declaring city policy; establishing records management division; designating the city archivist; establishing the duties of the archivist; city department heads to be responsible; records coordinators responsibilities; city offices to use records schedules; development of records retention and disposition schedules; allowing one time destruction of obsolete records; defining archival operations; preservation of permanent records; noncurrent record maintenance; establishing an digitizing program; records to be imaged electronically; accessibility of electronic records; CREATING for severability and providing for an effective date. **(ACTION ITEM)**

- Council Member Wheelock moved to introduce and suspend the rules requiring three readings and read by title only once; Council Member Neilsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.
- Council Member Wheelock read the ordinance and moved to approve the ordinance; Council Member Neilsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.

H. **Ordinance TBD – 2023: Surplus Property Ordinance** - An ordinance creating title 1, chapter 15, defining purpose; creating title 1, chapter 15 with sections prohibitions, declaration of surplus and disposal of personal property; declaration of surplus property and disposal of real property; transfer of surplus property to other government agencies; defining public sale; describing failure to produce a buyer; explaining no salable value; designation federal funding; proceeds of surplus property; prohibiting certain individuals and entities from purchasing surplus property, defining sale at retail and all sales final; CREATING for severability and providing for an effective date. **(ACTION ITEM)**

- Council Member Neilsen moved to introduce and suspend the rules requiring three readings and read by title only once; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.
- Council Member Neilsen moved to approve and read the ordinance; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, and Neilsen -aye. Motion carried.

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 8:54 pm and wished everyone a Happy Thanksgiving.

Trevor A Chadwick, Mayor
JMQ

ATTEST: _____
Jacob M Qualls, City Clerk - Treasurer